To amend the Toxic Substances Control Act to prohibit the manufacture, processing, and distribution in commerce of asbestos and asbestos-containing mixtures and articles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2019

Ms. Bonamici (for herself, Mr. Pallone, Ms. Slotkin, Mr. Tonko, Mr. Pocan, Mr. Cohen, Mr. Huffman, Mrs. Dingell, Ms. Schakowsky, Mr. Kennedy, Mr. Raskin, Mr. McNerney, Ms. Blunt Rochester, Ms. Barragán, Mr. Soto, Ms. Eshoo, Ms. McCollum, Mr. Blumenauer, Mr. Ted Lieu of California, Ms. Clarke of New York, Ms. Velázquez, Ms. Sánchez, Mr. DeFazio, Ms. Norton, Mr. McGovern, Mr. Johnson of Georgia, and Mr. Schrader) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, and distribution in commerce of asbestos and asbestos-containing mixtures and articles, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Alan Reinstein Ban Asbestos Now Act of 2019”.

SEC. 2. ASBESTOS BAN AND REPORTING.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

“(k) Asbestos.—

“(1) Prohibition of manufacture, processing, and distribution in commerce.—Effective one year after the date of enactment of this subsection, no person may manufacture, process, or distribute in commerce asbestos or any mixture or article containing asbestos.

“(2) Exemption for national security reasons.—

“(A) In general.—The President may, upon application, grant any person an exemption from the prohibition under paragraph (1) once for the manufacture, processing, or distribution in commerce of asbestos or any mixture or article containing asbestos only if the President determines that—

“(i) the manufacture, processing, or distribution in commerce of asbestos or any mixture or article containing asbestos
by the person is necessary to protect the national security interests of the United States; and

“(ii) no feasible alternative to the manufacture, processing, or distribution in commerce of asbestos or any mixture or article containing asbestos exists for the intended use.

“(B) Duration.—

“(i) In general.—The period of an exemption granted under subparagraph (A) shall not exceed 3 years.

“(ii) Extension.—The President may, in accordance with subparagraph (A), extend an exemption granted under such subparagraph once, for a period not to exceed 3 years.

“(C) Terms and Conditions.—An exemption granted under this paragraph (including an extension thereof) shall include such terms and conditions as are necessary to achieve maximum practicable reduction in exposure to asbestos.

“(D) Publication.—
“(i) APPLICATIONS.—Not later than
30 days after receipt of an application for
an exemption under this paragraph (in-
cluding an extension thereof), the Presi-
dent shall publish the application in the
Federal Register.

“(ii) EXEMPTIONS.—Not later than
30 days after granting an exemption under
this paragraph (including an extension
thereof), the President shall publish in the
Federal Register notice of the exemption
and the terms and conditions included
under subparagraph (B).

“(E) APPLICATION OF WAIVER AUTHOR-
ITY.—Notwithstanding section 22, the Adminis-
trator may not issue a waiver under such sec-
tion with respect to asbestos.

“(3) REPORTS.—

“(A) TIMING AND COVERAGE.—

“(i) PREVIOUS ACTION.—Not later
than 120 days after the date of enactment
of this subsection, any person who has
manufactured, processed, or distributed in
commerce asbestos or any mixture or arti-
cle containing asbestos in the 36 months
preceding such date of enactment shall submit to the Administrator a report described in subparagraph (B).

“(ii) LATER ACTION.—Any person manufacturing, processing, or distributing in commerce asbestos or any mixture or article containing asbestos during the period that begins on the date of enactment of this subsection and ends on the date on which the prohibition under paragraph (1) takes effect shall submit to the Administrator a report described in subparagraph (B) not later than 60 days after—

“(I) the date of enactment of this subsection, for any person who has manufactured, processed, or distributed in commerce asbestos or any mixture or article containing asbestos before such date of enactment; or

“(II) the date on which the person initiates any such manufacture, processing, or distribution in commerce, for any person initiating such manufacturing, processing, or dis-
tribution in commerce on or after such date of enactment.

“(iii) **Reports during exempted period.**—Any person granted an exemption under paragraph (2) shall submit to the Administrator a report described in subparagraph (B) not later than 27 months after—

“(I) the exemption is granted;

and

“(II) the exemption is extended, if applicable.

“(B) **Contents.**—Each report submitted under subparagraph (A) shall include—

“(i) the name and address of the person submitting the report;

“(ii) the name, title, and contact information of an authorized representative of the person submitting the report;

“(iii) the location of the facility or facilities where the manufacture, processing, or distribution in commerce of asbestos or mixtures or articles containing asbestos has occurred, or will occur, during the reporting period;
“(iv) a description of the manufacture, processing, or distribution activity during the reporting period of the person submitting the report, and the intended and known uses of asbestos and each mixture or article containing asbestos by that person and all other persons to whom the asbestos, mixture, or article is sold or otherwise distributed in commerce;

“(v) the amount of asbestos, and the amount and concentration of asbestos in any mixture or article containing asbestos, that is manufactured, processed, or distributed in commerce, or expected to be manufactured, processed, or distributed in commerce, by the person during the reporting period;

“(vi) reasonable estimates of the amount of asbestos to be disposed of as a result of the reported manufacture, processing, or distribution activities, and the manner of such disposal; and

“(vii) reasonable estimates of—

“(I) the number of individuals who, as a result of the reported manu-
facture, processing, and distribution activities—

“(aa) have been exposed to asbestos or mixtures or articles containing asbestos; and

“(bb) will be so exposed; and

“(II) the nature, duration, frequency, and levels of any such exposure.

“(C) Reporting period.—For purposes of subparagraph (B), the reporting period for a report submitted under—

“(i) subparagraph (A)(i) shall be the period that begins on the date that is 36 months prior to the date of enactment of this subsection and ends on the date of enactment of this subsection;

“(ii) subparagraph (A)(ii) shall be the period that begins on the date of enactment of this subsection and ends on the date on which the prohibition under paragraph (1) takes effect;

“(iii) subparagraph (A)(iii)(I) shall be the period that begins on the date on which an exemption is granted under para-
graph (2) and ends on the date such exemption expires (not including an extension thereof); and

“(iv) subparagraph (A)(iii)(II) shall be the period that begins on the date on which an exemption is extended under paragraph (2) and ends on the date such extension expires.

“(D) REPORTING FORMS AND INSTRUCTIONS.—Not later than 30 days after the date of the enactment of this subsection, the Administrator shall publish a notice in the Federal Register that provides instructions for reporting under this paragraph and a form or forms for use by persons submitting reports under this paragraph.

“(E) AVAILABILITY.—Not later than 3 months after a report is submitted under subparagraph (A), the Administrator shall make such report available to the public.

“(F) SUMMARY AND ANALYSIS.—Not later than 180 days after a report is submitted under subparagraph (A), the Administrator shall make available to the public a summary and
analysis of the information such report contains.

“(4) DEFINITIONS.—In this subsection:

“(A) ASBESTOS.—The term ‘asbestos’ means—

“(i) the asbestiform varieties of chrysotile, actinolite, amosite, anthophyllite, crocidolite, richterite, winchite, and tremolite; and

“(ii) the non-asbestiform varieties of richterite and winchite.

“(B) DISTRIBUTE IN COMMERCE.—The terms ‘distribute in commerce’ and ‘distribution in commerce’ have the meaning given the terms in section 3(5), but, notwithstanding such section 3(5), do not include, with respect to asbestos—

“(i) end-use of a mixture or article containing asbestos and installed in a building or other structure before the date of enactment of this subsection; or

“(ii) distribution of a mixture or article containing asbestos solely for the purpose of disposal of the mixture or article in
compliance with applicable Federal, State, and local requirements.

“(C) Mixture or article containing asbestos.—The term ‘mixture or article containing asbestos’ includes a mixture or article in which asbestos is present as an impurity.”.

SEC. 3. LEGACY ASBESTOS: REPORT AND RECOMMENDATIONS.

(a) Report.—Not later than 18 months after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Health and Human Services and the Secretary of Labor, shall prepare and submit to Congress a report assessing—

(1) the presence of asbestos in residential, commercial, industrial, public, and school buildings; and

(2) the extent of exposure and risk to human health associated with the asbestos present in such buildings from all commercial, industrial, and consumer activities that may result in asbestos exposure.

(b) Contents.—The report required under subsection (a) shall be based upon the best available information, and information that can feasibly be obtained
through surveys or other means, and shall provide the fol-
lowing:

(1) An estimate of the number of residential, com-
cmercial, industrial, public, and school buildings where asbestos is present.

(2) An estimate of the amount of asbestos in such buildings and the portion of such asbestos that is friable.

(3) A description of the types of building com-
ponents and systems containing asbestos in such buildings and the categories of mixtures and articles containing asbestos that are present, such as ther-
mal insulation, roofing materials, asbestos cement pipe, and asbestos cement sheet.

(4) For each category of building, an estimate of the number of people potentially exposed to asbes-
tos, the conditions and activities with the greatest potential for exposure, and estimates of the levels of exposure.

(5) A description of the role of handling, main-
tenance, and construction practices in creating expo-
sure to asbestos and the impact of building aging on the potential for asbestos exposure.

(6) An estimate of the amount of asbestos waste generated from building renovation, repair,
and demolition for each of the last 5 years and the
procedures that are utilized for the handling, trans-
port, and disposal of such waste.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The report submitted under
subsection (a) shall contain—

(A) an assessment of the sufficiency of ex-
isting statutes, regulations, policies, and pro-
grams, implemented by the Environmental Pro-
tection Agency, the Department of Labor, and
other agencies, in protecting against exposures
to legacy asbestos; and

(B) recommendations for modifications or
additions to such statutes, regulations, policies,
and programs, as necessary to reduce or elimi-
nate risks to human health.

(2) INCLUSIONS.—Recommendations under
paragraph (1)(B) may include recommendations for
new, additional, or modified statutes, regulations,
policies, or programs for—

(A) the inspection of buildings to deter-
mine the presence and condition of asbestos;

(B) inventorying the presence and condi-
tion of asbestos in buildings;

(C) removal of asbestos from buildings;
(D) handling asbestos during building maintenance, repair, demolition, and other commercial and industrial activities with the potential for asbestos exposure; and

(E) disposal of asbestos-containing waste and debris.

(d) Effect on Existing Law.—Compliance with this section shall not relieve the Administrator of the Environmental Protection Agency, the Secretary of Health and Human Services, or the Secretary of Labor, of any other obligation arising under this Act or any other law.

(e) Definition of Asbestos.—In this section, the term “asbestos” means—

(1) the asbestiform varieties of chrysotile, actinolite, amosite, anthophyllite, crocidolite, richterite, winchite, and tremolite; and

(2) the non-asbestiform varieties of richterite and winchite.